

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ELAINE DUKE

Mr. JOHNSON. Mr. President, I rise today in support of Elaine Duke's nomination to be the seventh Deputy Secretary for the Department of Homeland Security.

The Department of Homeland Security Deputy Secretary serves as the chief operating officer of the Federal Government's third largest agency. The Deputy Secretary manages 240,000 men and women responsible for securing our borders and aviation system, enforcing immigration laws, defending cyberspace, preparing for disasters, assisting in counterterrorism efforts, and preventing terrorist attacks. In short, the Deputy Secretary is critically important to our homeland security.

On March 15, Ms. Duke was approved by the Senate Committee on Homeland Security and Governmental Affairs by a voice vote. She has overwhelming bipartisan support.

I want to remind everyone of Ms. Duke's qualifications and, particularly, of her dedication to public service through both Republican and Democratic administrations. Ms. Duke is no stranger to this body. In 2008, she was confirmed by a voice vote to be the Department's Under Secretary for Management. As a testament to her character and dedication, she was asked by President Obama to stay on when he came into office. She served in the Obama administration for a year and a half before retiring from Federal service. In total, Ms. Duke has been a public servant for 28 years.

It is also noteworthy that Ms. Duke has been endorsed by at least the last five Department of Homeland Security Deputy Secretaries, from both Democratic and Republican administrations. This is what they had to say about her:

For this job, the Nation needs someone with impeccable integrity, strong management and leadership skills and experience in protecting the safety, security, and resilience of our Nation. This person must be able to collaborate routinely . . . and ensure that every Congressionally-appropriated dollar is well and wisely spent.

Together, we respectfully attest that Elaine is extraordinarily well qualified to serve in the position for which she has now been nominated. Elaine knows DHS. She has been a senior leader at DHS under two presidents. She sets an unwavering standard of excellence for all who consider themselves committed to public service.

As chairman of the Homeland Security and Governmental Affairs Committee, I worked hard to move 30 of President Obama's nominees through

the committee on a bipartisan basis. I am pleased that we will be sending to DHS a career public servant whose experience and management skills will immediately assist Secretary Kelly and the mission of the Department to defend our homeland.

For the sake of our national and homeland security, I encourage my colleagues to support Ms. Duke's nomination to be the next Deputy Secretary for the Department of Homeland Security.

NOMINATION OF NEIL GORSUCH

Mr. JOHNSON. Mr. President, I would like to use my remaining time to voice my strong support of Judge Gorsuch's nomination to the Supreme Court. Let me stress that Judge Gorsuch won my vote when I first heard his definition of the role of a judge. Let me quote:

It is the role of a judge to apply, not alter, the work of the people's representatives. A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers rather than those the law demands.

That is the quintessential definition of the role of a judge. I met with Judge Gorsuch last Tuesday morning, and in that meeting he further reinforced my support. I asked Judge Gorsuch and voiced my concern that far too often we have seen judges evolve into super-legislators—judicial activists on the court. I asked the judge: How can I be assured that won't happen with you? To paraphrase his response to me, he said: Senator, I am going to follow the law; you will not like some of my decisions.

That was music to my ears. I realize there is a lot of bad law, and we have a judge who follows the law and applies it. Sometimes I am not going to like those decisions, but that is OK. That is the role of a judge.

He went on to say: I am not itching to be anything other than a good judge. He further said that legislative power cannot be delegated. Judge Gorsuch gave me a great deal of confidence that he is well qualified and that he deserves to fill some pretty big shoes—Justice Scalia's seat on the Supreme Court.

It is not just I who considers Judge Gorsuch well qualified. The ABA has given Judge Gorsuch their "well qualified" rating, which is the highest possible rating. Of course, Democratic Leader SCHUMER, in a Washington Post article from March 18, 2001, said: "The ABA'S evaluation is the gold standard by which judicial candidates are judged."

Vice President Biden, back in 1994, talking about the ABA rating system said:

I look at no other recommendation more closely. I value no recommendation more highly.

So the ABA says Judge Gorsuch is highly qualified, and I agree. Judge Gorsuch also has bipartisan support. I

am heartened by the fact that three of our Democratic colleagues in the Senate have already voiced their support for Judge Gorsuch. Of course, President Obama's Solicitor General, Neal Katyal, also said:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our Nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law. To boot, as those of us who have worked with him can attest, he is a wonderfully decent and humane person. I strongly support his nomination to the Supreme Court.

Again, that is a quote from President Obama's Solicitor General. My final comment has to do with the fact that this is the will of the American people. In my lifetime, I really cannot remember when a Presidential election elevated the issue of Supreme Court nominations to as high a level as it was elevated in this election. As a matter of fact, this election, point blank, elevated this particular vacancy.

So many of my Republican colleagues said exactly what I said: It is so close to the election; so why don't we let the American people decide not only the direction of this country but the composition of the Supreme Court. The American people spoke. The voters in my State of Wisconsin spoke. They voted for the 10 electoral votes in support of President Trump, and they voted to elect me to confirm President Trump's nominee to this Supreme Court vacancy.

I believe it is our duty to listen to the voices of the voters, the American people, the voters of Wisconsin. I am hoping that my junior Senator colleague from Wisconsin will listen to the voices of Wisconsin voters and vote at least for cloture. Maybe you don't have to vote for confirmation, but let's vote for cloture so this good, fine, decent, humane, high-integrity, well-qualified judge—Judge Neil Gorsuch—will be the next Supreme Court Justice of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

U.S.-CHINA RELATIONSHIP

Mr. GARDNER. Mr. President, I thank my colleague from Wisconsin for his remarks on Judge Gorsuch. I look forward to this debate this week as we work to confirm Judge Gorsuch to the U.S. Supreme Court in a bipartisan fashion.

This evening, though, I come to the floor to talk about another very important issue that is happening in this country this week; that is, the U.S.-China relationship that will be highlighted this week as President Trump prepares to meet with President Xi for the first time later this week.

This summer presents a tremendous opportunity for President Trump to expressly state our hope for the relationship, while also elucidating the valid concerns and questions we have about